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MuiUNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

DARREN M. NANCE,

Plaintiff,

v.

CITY OF NEWARK, NEWARK
POLICE DEPARTMENT, et al.

Defendants.

CIVIL ACTION NO. 97-CV-6184
(DMC) (CCC)

VERDICT SHEET

1. On the claim that Nance was subject to retaliation for invoking his right to freedom of speech under the First Amendment of the Constitution:

(a) Do you find by a preponderance of the evidence that Nance spoke out on matters of public concern by complaining to his superiors about disparate treatment afforded to minorities?

_____ Yes ✓ No

If you answered NO, you have completed your deliberations and must return a verdict in favor of the City of Newark as to this claim.

If you answered YES, please continue to sub-part (b) question.

(b) Do you find by a preponderance of the evidence that

Nance's speaking out on matters of public concern was the predominant, substantial and motivating factor in the City of Newark's decision to terminate his employment?

_____ Yes _____ No

Continue to question #2.

2. On the claim that Nance was subject to retaliation for invoking his right to petition the Government under the First Amendment of the Constitution:

(a) Do you find by a preponderance of the evidence that Nance submitted internal reports to his superiors documenting and complaining of unlawful and discriminatory actions, behaviors and policies within the Newark Police Department, and filed complaints to State, local and federal agencies concerning the actions of the Newark Police Department?

☒ Yes _____ No

If you answered NO, you have completed your deliberations and must return a verdict in favor of the City of Newark as to this claim.

If you answered YES, please continue to sub-part (b).

- (b) Do you find by a preponderance of the evidence that Nance's submission of numerous internal reports to his

superiors and filed complaints to State, local and federal agencies was the predominant, substantial and motivating factor in the City of Newark's decision to terminate his employment?

☒ Yes ☐ No

Continue to question #3.

3. On the claim that Nance's due process rights were violated under the Fourteenth Amendment of the Constitution:

(a) Do you find by a preponderance of the evidence that the City of Newark acted pursuant to official City policy?

☒ Yes ☐ No

If you answered NO, you have completed your deliberations and must return a verdict in favor of the City of Newark as to this claim.

If you answered YES, please continue to sub-part (b).

(b) Do you find by a preponderance of the evidence that the City of Newark denied Nance a fair hearing before terminating his employment?

☐ Yes ☒ No

If you have found in favor of Plaintiff on question 1 or 2 above, proceed to question #4. If not, cease deliberations and return your verdict at this time.

4. On the claim that Nance was subject to retaliation in violation of the New Jersey Law Against Discrimination ("NJLAD") N.J.S.A. 10:5-12(a), et seq.:

(a) Do you find by a preponderance of the evidence that Nance reported unlawful and discriminatory conduct by the Newark Police Department?

✓ Yes No

If you answered NO, you have completed your deliberations and must return a verdict in favor of the City of Newark as to this claim.

If you answered YES, please continue to sub-part (b).

(b) Do you find by a preponderance of the evidence that Nance was subjected to retaliation at the time, or after, the protected conduct took place?

✓ Yes No

When you have completed your deliberations, your foreperson should date and sign the verdict form below.

DATED this 24th Day of June, 2010.